

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHEREE STEELE,

Plaintiff,

- against -

CVS PHARMACY, INC.,

Defendant.

15-cv-4261(JGK)

ORDER

JOHN G. KOELTL, District Judge:

The plaintiffs have objected to an order of Magistrate Judge Kevin Fox dated February 11, 2016, which limited the number of custodians whose e-mail accounts were required to be searched for possibly responsive documents. This is a case alleging unlawful racial discrimination and racial profiling by CVS based on the alleged actions of certain Regional Loss Prevention Managers ("RLPMs") who directed Market Investigators to engage in racial profiling. There is no allegation that the profiling was directed or occurred through e-mails, but the Magistrate Judge directed that the e-mail accounts for the 23 stores where the plaintiffs worked and the e-mail accounts of the RLPMs for those stores be searched, as well as store email accounts for 12 additional stores in each of the five boroughs in New York City. These searches were in addition to other targeted searches for information. The plaintiffs now object that the Magistrate Judge should have ordered e-mail searches in every CVS store in New York City despite the fact that e-mail accounts for the specific stores at

issue, plus additional stores, are being searched, and there is no evidence that the discrimination at issue was carried out through any e-mail correspondence.

A discovery ruling of a magistrate judge should be overturned only if it is clearly erroneous or contrary to law. See Fed. R. Civ. P. 72(a); see also 28 U.S.C. § 636(b)(1)(A); Thai Lao Lignite (Thailand) Co., Ltd. v. Government of Lao People's Democratic Republic, 924 F. Supp. 2d 508, 511 (S.D.N.Y. 2013). Magistrate Judges are given broad discretion in fashioning reasonable limits on discovery to promote the just, speedy and inexpensive resolution of every action. See Fed. R. Civ. P. 1. "Under this highly deferential standard, magistrate judges are afforded broad discretion in resolving nondispositive disputes and reversal is appropriate only if their discretion is abused." Thai Lao Lignite, 924 F. Supp. 2d at 511 (internal quotation marks omitted).

There is no basis to conclude that the ruling of the Magistrate Judge was clearly erroneous or contrary to law. Indeed, the order imposed a plainly reasonable restriction on discovery. The objection is overruled. The Clerk is directed to close Dkt. No. 56.

SO ORDERED.

**Dated: New York, New York
March 29, 2016**

_____/s/_____
John G. Koeltl
United States District Judge